

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANDY HOOPER and SHELLEY HOOPER,

Plaintiffs,

v.

SNOHOMISH COUNTY, et al.,

Defendants.

C11-573Z

ORDER

THIS MATTER comes before the Court on plaintiffs' motion to voluntarily dismiss their claim under 42 U.S.C. § 1983 and to remand this matter to state court, docket no. 8. Plaintiffs have not indicated which provision of the Federal Rules of Civil Procedure governs their motion to voluntarily dismiss, but because neither an answer nor a motion for summary judgment has yet been filed, the Court has considered plaintiffs' motion under Rule 41(a)(1). Pursuant to Rule 41(a)(1), plaintiffs' motion, docket no. 8, to voluntarily dismiss the § 1983 claim in their First Amended Complaint, docket no. 6-1, is GRANTED.¹ The § 1983 claim is hereby DISMISSED without prejudice. *See Pedrina v. Chun*, 987 F.2d 608 (9th Cir. 1993).

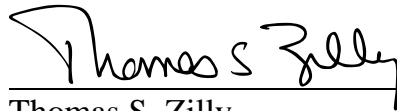
¹ Plaintiffs' Second Amended Complaint, Ex. A to Noel Decl. (docket no. 9-1), was not properly filed as a pleading via the Court's Case Management and Electronic Case Files ("CM/ECF") system, and is not treated as the operative complaint in this matter.

1 The Court DECLINES to exercise supplemental jurisdiction pursuant to 28 U.S.C.
2 § 1367(c)(3), and plaintiffs' motion for remand, docket no. 8, is also GRANTED. This case
3 is hereby REMANDED to Skagit County Superior Court. Plaintiffs shall pay to defendants
4 the costs incurred by defendants in removing this case, including the filing fee and expenses
5 associated with submitting the verification of state court records. 28 U.S.C. § 1447(c). Each
6 side shall bear its own attorney fees. Defendants may tax costs in the manner provided in
7 Local Rule CR 54(d).

8 IT IS SO ORDERED.

9 The Clerk is directed to send a copy of this Order to all counsel of record. The Clerk
10 is further directed to send, after the requisite waiting period, a certified copy of this Order to
11 the Clerk of the Skagit County Superior Court.

12 DATED this 6th day of June, 2011.

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15 Thomas S. Zilly
16 United States District Judge
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